

6243. Adulteration and misbranding of cocoa. U. S. v. 61 Bags of Cocoa. Default decree of condemnation. Product ordered sold. (F. D. C. No. 11565. Sample No. 47673-F.)

LIBEL FILED: January 3, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 7, 1943, by the Royale Popcorn Co., from Cleveland, Ohio.

PRODUCT: 61 bags, each containing 40 pounds, of an unlabeled article invoiced as cocoa, at St. Louis, Mo. Examination indicated the product was a mixture of cacao shells and powdered cacao beans.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shells and powdered cacao beans had been substituted in whole or in part for "Cocoa," which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold under conditions which would insure that it would not be used in violation of the law. It was denatured for use as fertilizer.

6244. Misbranding of a mixture of cocoa residues, roasted ground cereals, and artificial vanillin. U. S. v. 5 Unlabeled Bags of a Mixture of Cocoa Residues, Roasted Ground Cereals, and Artificial Vanillin. Default decree of condemnation and destruction. (F. D. C. No. 10363. Sample No. 31064-F.)

LIBEL FILED: August 5, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about April 21, 1943, from Cleveland, Ohio, by the Royale Popcorn Sales Co.

PRODUCT: 5 unlabeled bags, each containing 100 pounds, of the above-described mixture, at Tacoma, Wash.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained an artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: November 6, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6245. Adulteration of chocolate-flavored sirup. U. S. v. 100 Cases of Chocolate Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11871. Sample No. 65556-F.)

LIBEL FILED: February 19, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about December 10, 1943, by the American Roland Food Co., New York, N. Y.

PRODUCT: 100 cases, each containing 24 1¼-pound jars of chocolate sirup at Spokane, Wash. Examination showed that the product was fermented.

LABEL, IN PART: (Jars) "Van Delft's Vitaminized Chocolate Flavored Syrup * * * Silver Hill Products, Inc. Manufacturers New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6246. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 94 Cases of Chocolate Flavored Syrup (and 3 other seizure actions against chocolate-flavored sirup). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 11142, 11774, 11775, 12117. Sample Nos. 40302-F, 40303-F, 62470-F, 66551-F.)

LIBEL FILED: Between November 17, 1943, and April 4, 1944, Eastern District of Arkansas, Western District of Oklahoma, and District of South Dakota.

ALLEGED SHIPMENT: From on or about September 3 to December 9, 1943, by the Sifers Extract Co., from Iola, Kans.

PRODUCT: Chocolate-flavored sirup: 94 cases at North Little Rock, Ark., and 100 cases at Norman, Okla., each containing 4 1-gallon jars; 43 1-gallon jugs at Watertown, S. Dak.; and 45 1-gallon jugs at Sioux Falls, S. Dak. Examination showed that portions of the article were in an active state of fermentation, and one lot was short weight.

LABEL, IN PART: (Jar) "One Gallon Velvet Chocolate Flavored Syrup."

VIOLATIONS CHARGED: Adulteration (lots at North Little Rock, Watertown and Sioux Falls), Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding (lot at Norman), Section 403 (a), the statement on the label, "One Gallon," was false and misleading as applied to the article which was short in volume; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 20, 1944. J. J. Lehman, Norman, Okla., claimant for the lot that was short in volume, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On February 9 and March 13, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

SIRUPS AND SUGAR

6247. Adulteration and misbranding of cane sirup and misbranding of sorghum sirup. U. S. v. 12 Cases and 33 Jars of Cane Syrup, and 23 Cases of Sorghum Syrup. Default decrees of condemnation. Sorghum sirup ordered given to a charitable institution; cane sirup ordered destroyed. (F. D. C. Nos. 11205, 11632, 11807. Sample Nos. 57814-F, 58018-F, 58063-F.)

LABEL FILED: Between December 3, 1943, and March 2, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about October 26 and December 6, 1943, from Fort Worth, Tex., by M. N. Clayton.

PRODUCT: 12 cases, each containing 6 jars, and 33 ½-gallon jars of cane sirup at Pueblo, Colo.; and 23 cases, more or less, each full case containing 12 jars, of sorghum sirup at Grand Junction, Colo.

LABEL, IN PART: (Jars) "Ribbon Cane Syrup Sold By Roy Harry Sulphur Springs, Texas," or "New Crop Crone's Sorghum Syrup Pure East Texas Sorghum Syrup * * * Packed by E. R. Crone Winnsboro, Texas Net Contents 4 Lbs. 8 Ozs."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the cane sirup consisted in whole or in part of a filthy substance by reason of the presence of mites.

Misbranding (cane sirup), Section 403 (a), the name "Ribbon Cane Syrup" was false and misleading as applied to a mixture containing sugar and corn sirup in addition to ribbon cane sirup; and, Section 403 (b), it was offered for sale under the name of another food.

Misbranding (sorghum sirup), Section 403 (a), the name "Sorghum Syrup" was false and misleading as applied to a mixture of sorghum sirup and corn sirup (glucose), which the article was represented to be, and the statement "net contents 4 lbs. 8 ozs." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: January 18, March 2, and May 10, 1944. No claimant having appeared, judgments of condemnation were entered. The cane sirup was ordered destroyed and the sorghum sirup was ordered given to a charitable institution.

6248. Adulteration of honey sirup. U. S. v. 418 Cases of Honey Syrup. Decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 10922. Sample No. 41404-F.)

LABEL FILED: October 9, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 24 and 25, 1943, by Evangeline Pepper & Food Products, from St. Martinville, La.

PRODUCT: 418 cases, each containing 24 jars, of honey sirup at Houston, Tex.

LABEL, IN PART: (Jar) "Bulliard's Evangeline Brand Honey Syrup."